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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,864	05/19/2000	Toshio Inadate	450100-02508	1674

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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TRAN, TONGOC

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/575,864

Applicant(s)

INADATE, TOSHIO

Examiner

Tongoc Tran

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 19 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. 09/575,864.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This office action is in response to applicant's application serial no. 09/575,864 filed on 5/19/2000.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

#### ***Claim Objections***

3. Claim1 is objected to because of the following informalities: Line 2 contains a typographical error: "an network" should be "a network". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Walker et al. (U.S. Patent No. 5,862,223).

7. In respect to claims 1, 7 and 8, Walker discloses an information processing apparatus, a method and a computer-readable recording medium recorded a program for connecting a plurality of information terminal by way of a network (see Fig. 1-3), comprising:

“a plurality of information terminals (see Fig. 2 and 3, network interface to end users and experts);

means for storing user information of said each of information terminals (see col. 14, lines 42-50);

authentication means for authenticating said information terminal of a user based on said user information stored in said storing means (see col. 10, lines 26-43);

means for recording a request information entered from said authentication means (see col. 14, lines 50-56);

means for searching said request information recorded by said recording means in response to a demand entered from said information terminal of the second user authenticated by said authentication means (see col. 7, lines 30-35);

means for transmitting terminal of the second user (see col. 5, lines 61-64); and

means for transferring a service information corresponding to said request information as said search result to the information terminal of said first user, wherein

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said service information being entered from said information terminal of said second user" (see Fig. 1, item 130 and col. 13, lines 10-25).

8. In respect to claim 2, Walker discloses an information processing apparatus as claimed in claim 1. Walker further discloses "said user information includes an user ID, a password and an electronic mail address" (see col. 14, lines 42-49).

9. In respect to claim 3, Walker discloses an information processing apparatus as claimed in claim 2. Walker further discloses "said transferring means transfers said service information corresponding to said request information as said search result to the information terminal of said first user by an electronic mail based on said information terminal of said first user by an electronic mail based on said user information for the first user stored in said storing means" (see col. 7, lines 26-29)).

10. In respect to claim 4, Walker discloses an information processing apparatus as claimed in claim 3. Walker further discloses "said service information includes an address information on the network for obtaining a desired information among said service information by said first user" (see col. 18, lines 63-65).

11. In respect to claim 5, Walker discloses an information processing apparatus as claimed in claim 1. Walker further discloses "means for supplying a list of said request information recorded by said recording means to the information terminal of said second user in response to a demand entered from the information terminal of said second user" (see col. 8, lines 29-39).

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12. In respect to claim 6, Walker discloses an information processing apparatus as claimed in claim 1. Walker further discloses "said recording means records said service information corresponding to said request information, (see col. 14, lines 50-56) and

said information processing apparatus further comprising:

means for supplying said request information and said service information recorded by said recording means to said information terminal of said first user in response to a demand entered from the information terminal of said first user" (see col. 21, lines 49-52).

### ***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Shkedy discloses a method and apparatus for facilitating buyer-driven purchase orders on a c commercial network system.

-Rose et al. disclose a computerized payment system for purchasing goods and services on the Internet.

Walker discloses a system for method for aggregating multiple buyers utilizing conditional purchase offers (CPOS).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9600.

Examiner Tongoc Tran  
Art Unit: 2134

TT  
October 14, 2003

*Matthew B. Smithers*  
**MATTHEW SMITHERS**  
**PRIMARY EXAMINER**  
*Art Unit 2134*